

## REMARKS

The Examiner's communication dated February 17, 2009 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or bona fide attempt to advance the application to allowance. Reexamination and/or reconsideration of the application are respectfully requested.

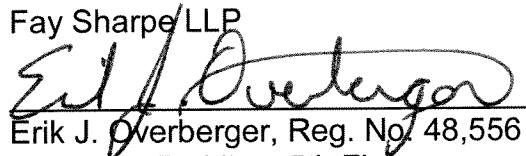
In the Office Action, claims 33, 43, 46, 49-50, 53-55, 58-64, 67-68, 70-71, 73-74 and 76-81 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 6-7, 12-24, 27-30 and 32-34 of U.S. Patent No. 6,742,966. Applicant attaches herewith a Terminal Disclaimer to obviate the double patenting rejection(s) over the '966 patent. Accordingly, it is respectfully requested that the double patenting rejection(s) be withdrawn.

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences.

Respectfully submitted,

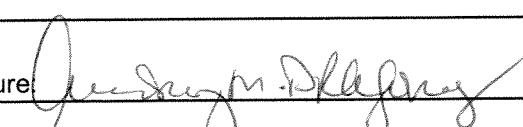
Fay Sharpe LLP

May 26, 2009  
Date

  
Erik J. Overberger, Reg. No. 48,556  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, Ohio 44115-1843  
216.363.9000

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.

Express Mail Label No.:	Signature: 
Date:	Name: Audrey M. Dragony